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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

May 25, 1993

Mr. Walter D. Moore
13012 St. Charles Place
Rockville, MD 20853

Dear Mr. Moore:

Many thanks for your March 12 letter, in which you provided me with a fuller description of your views on the issues before the FCC in PR Docket No. 92-235. I will take those views into account when that proceeding comes before the Commission. In accordance with the Commission's ex parte rules, I am also placing a copy of your letter in the record of our proceeding.

Sincerely,

Ervin S. Duggan
Commissioner

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13012 St. Charles Pl.
Rockville, Md. 20853

March 12, 1993

Commissioner Ervin S. Duggan
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Dear Mr. Duggan:

Thank you for your response to my letter of January 29, 1993 concerning PR Docket No. 92-235, and the discussion sheet about uses of the 72 - 76 MHz band. The discussion sheet, while somewhat informative, implies that the FCC position is that users of the proposed frequency changes can coexist. I strongly disagree.

One reason for the concern of radio control operators is the change from the current 20 kHz frequency separation to 2.5 kHz separation. The technical specifications also permit a land mobile transmitter a tolerance, or "drift" of as much as 3.6 kHz (50 parts per million) from the specified frequency in its transmissions. This is unmentioned in your cover letter or the "Q & A" discussion sheet. Technical specifications for radio control transmitters permit only a .005 kHz "drift" from their authorized frequencies. If I can afford a radio transmitter with that degree of transmission accuracy, I'm sure commercial companies can also. In any event, the result is that a land mobile transmitter, ostensibly on a different frequency, could be legally transmitting on the same frequency as a radio control operator, while still being within specifications. This means that a mobile land use transmitter, being mobile, that was not operational one day could destroy months or years of my work the next. How is a radio control operator supposed to know when that situation might arise? Such transmission conflicts also endanger the people near flying models and the people working with or near powerful land mobile equipment.

I call that a clear and present danger, and contrary to the information sheet, <u>does</u> make the radio control frequencies unusable. If users cannot rely on a given frequency being free of interference, that frequency becomes useless, and is de facto unusable.

That the proposed land mobile operations authorized in the 72-76 MHz band are not car phones is well known, and is not an issue. What is an issue is the permitted mobility of the radio transmitters the proposal will allow to operate, if "off frequency" but within specifications, on virtually the same frequencies as radio control operators. This, combined with the proposal that land mobile operators be permitted transmissions only 2.5 kHz away from radio control frequencies, makes the interferrence-free properties of a given frequency unpredictable, rendering the frequency useless.

Another reason for concern is that while permitted power levels for both services may be comparable, the operating environments of the receivers most definitely are not. The constantly shifting receiver antenna orientation in a radio controlled model, and the height above the ground, makes the radio control environment more severe than a factory setting.

Of interest also is that the discussion sheet mentions ". . . . these channels are used in limited locations such as a factory or construction site, mainly for non-voice operations to monitor or control expensive equipment such as overhead cranes." Two parts of this sentence disturb me. The first part is the phrase "expensive equipment." The implication is that other user's equipment (i.e., radio control model airplanes) is cheap and therefore expendable, or at least unimportant. The other is the example of "expensive equipment" used, "overhead cranes."

The equipment I and others own is not expendable, or inexpensive. It was purchased by individual users, who like most people, have limited funds. These individuals then further invest months or years of time building precision miniature aircraft that are controlled by this radio equipment. Expecting that radio control frequencies are not suddenly and without warning rendered useless at the whim of a land mobile operator is not unreasonable.

Also disturbing is that three years ago Robinson Engineering, a manufacturer of overhead cranes, applied for and was (properly) denied permission to keep doing what it had been illegally doing for several years before discovery—shipping overhead cranes using radio control with unauthorized frequencies. These unauthorized frequencies were those assigned for radio control. Instead of prosecuting these clear and blatant violators, the FCC gave them a three-year extension to attempt tracking down these illegal transmitters and then change them. I am under no delusions that I would be afforded the same leniency for similar violations. Yet here again come overhead cranes, back to haunt us.

In a memo (copy enclosed) to the Model Press and others, Mr. Robert Underwood, Technical Director at the Academy of Model Aeronautics (AMA) described a March 1 meeting with several FCC employees at FCC Headquarters. In the memo, he quotes Mr. Ralph Haller, Chief, Private Radio Bureau, as saying that the FCC will consider AMA comments but that what was needed was "hard data and real tests" and that "11,000 emotional letters won't help." I find the last insulting, condescending and arrogant.

There is nothing wrong with wanting "hard data and real tests." I would hope changes of this magnitude are not even contemplated without them.

However, eleven thousand or more letters from people concerned about the consequences of actions by the FCC **should** help. To ignore them, to say that the thoughts expressed in those letters, emotional or not, don't matter indicates that Mr. Haller has little concept of what public service means. The FCC and the public would be better served if Mr. Haller were reminded who the customers are and who pays the bills.

I understand there is increasing demand for radio spectrum. Anticipating these demands more than ten years ago, the Academy of Model Aeronautics voluntarily asked to drastically "tighten up" radio transmitter and receiver performance at considerable investment cost for all users. Industry has not shown the same foresight. PR Docket 92-235 makes it appear that radio control operators are to be penalized for planning ahead.

Sincerely,

Walter D. Moore

Enclosure

To: Executive Council
Frequency Committee, Frequency Advisory Council
Frequency Coordinators
R/CMA
Model Press
From: Robert Underwood, Technical Director
Date: March 3, 1993

Re: Frequency Alert Update

On Monday, March 1, 1993 a Refarming Panel Discussion was held at FCC Headquarters. The FCC staff included Ralph Haller, Chief, Private Radio Bureau; Beverly Baker, Deputy Chief, Private Radio Bureau; Richard Shiben, Chief Land Mobile and Microwave Division; Joseph Levin, Chief, Policy and Planning Branch; Doron Fertig, Senior Economist; and Eugene

and I spent time in the "mail room." We inquired concerning the response on 92-235 and were shown a large two tray cart stacked high with mail. We were told that other such carts existed.

One very important discussion developed during panel four's presentation that revolves around the coordination of, versus assignments for, the frequencies in the 72-76 MHz bands. Prior to our releasing information on this subject, further study is necessary.

One could not help but come away from the meeting with the feeling of the immense nature of the FCC undertaking. They had to know that tackling the issue of refarming would subject them to a barrage of concern from all sides. It is now up to us to show how this proposal will affect us and work out an arrangement that will be satisfactory. That's not an easy task.

Meanwhile, the Academy's formal letter is almost complete. It should be filed in the next week to ten days. A copy will be mailed to all 600 legislators in an effort to provide our side of the issue.